



Examination's Docket No.

1540/144

#6
29/03
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Simpkins, et al.

Application No.: 10/082,812

Group No.: 1614

Filed: February 25, 2002

Examiner: Kevin Weddington

For: METHODS OF PREVENTION AND TREATMENT OF ISCHEMIC DAMAGE

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 C.F.R. SECTION 1.97(c))

NOTE: An information disclosure statement shall be considered by the Office if filed . . . before the mailing date of either (1) a final action under Section 1.113 or (2) a notice of allowance under Section 1.311, whichever occurs first, provided the statement is accompanied by either a statement as specified in paragraph (e) of Section 1.97 or the fee set forth in Section 1.17(p).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office (703) ____-____.

Signature

Morton Chimomas

Date: January 21, 2003

period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but **before** the mailing date of either:

(1) a final action under Section 1.113 or

(2) a notice of allowance under Section 1.311,

whichever occurs first.

STATEMENT OR FEE

2. Accompanying this transmittal is

(check either A or B below)

A. ☐ a statement as specified in 37 C.F.R. Section 1.97(e).

OR

B. ☒ the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c). (\$180.00).

FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. Section 1.17(p) for submission of an information disclosure statement under Section 1.97(c) (\$180.00).

Fee due \$ _____

METHOD OF PAYMENT OF FEE

4.

☒ Attached is a check in the amount of \$ 180.00.

☐ Charge Account No. _____ in the amount of \$ _____.

A duplicate of this request is attached.

If any additional fees are due, please charge Account #19-4972.

Reg. No. 34,465

Tel. No.: (617) 443-9292

Customer No.: 002101

01540/00144 235716.1



SIGNATURE OF PRACTITIONER

Morton Chirmomas
(type or print name of practitioner)

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P.O. Address

Boston, MA 02110



1614 \$
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Practitioner's Docket No. 1540/144

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James W. Simpkins, Douglas F. Covey

Application No.: 10/082,812

Group No.: 1614

Filed: 02/25/2002

Examiner: Weddington

For: Methods of Prevention and Treatment of Ischemic Damage

Commissioner for Patents
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for two months:

Fee: \$205.00

01/27/2003 MMDHAMM1 00000048 10082812

01 FC:2252
02 FC:1806

205.00 OP
~~100.00 OP~~

FEE FOR CLAIMS

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*


X with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature

Date: January 21, 2003

Morton Chirnomas

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

a

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA				
				RATE		ADDIT. FEE	
TOTAL	4	- 22	= 0	x \$ 9.00	= \$	0.00	
INDEP.	1	- 9	= 0	x \$ 42.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL			
				ADDIT. FEE	\$	0.00	

No additional fee for claims is required.

FEE PAYMENT

5. Attached is a check in the sum of \$385.00 covering the costs of the extension and the filing of an information disclosure statement.

A duplicate of this paper is attached.

FEE DEFICIENCY

6. An additional extension and/or fee is required, charge Account No. 19-4972.

An additional fee for claims is required, charge Account No. 19-4972.

Date: January 21, 2003



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